

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

JAMES H. STERN

PLAINTIFF

V.

CIVIL ACTION NO. 2:08cv33-KS-MTP

CHRISTOPHER B. EPPS, et al.

DEFENDANTS

ORDER

THIS MATTER is before the court on the Motion for the Court to Clear Mistake in the Record [208] filed by Plaintiff. Having considered the motion and the applicable law, the court finds that the motion should be denied.

In his Motion [208], Plaintiff asks for the court record to be “cleared up,” claiming that Defendants are misstating his claims in their pleadings. He also requests a free copy of the transcript from his omnibus hearing that took place on April 21, 2009. An indigent prisoner does not have a constitutional right to free copies of transcripts of court proceedings in order to search for possible defects. *See United States v. Herrera*, 474 F.2d 1049, 1049 (1973); *Wright v. Curry*, 122 Fed. App’x 724, No. 04-10304, 2004 WL 2977437, at *1 (5th Cir. Dec. 17, 1994). Plaintiff has failed to specify any particular need for his transcript to prosecute his case, and has failed to present a substantial question for disposition; thus, the motion must be denied. *See* 28 U.S.C. § 753(f); *Harvey v. Andrist*, 754 F.2d 569, 571 (5th Cir. 1985).

Moreover, the court finds that the court record speaks for itself, and there is no need to “clear up” the record. Plaintiff may state his disagreement with the Defendants’ position, and has done so in his pleadings.

Lastly, Plaintiff’s motion appears to contain arguments in opposition to the Motions to Dismiss filed by Keefe Commissary Network and GT Enterprises of MS, Inc. [202][204].

Accordingly, in addition to Plaintiff’s Response [209] in opposition to the motions, the court will

consider Plaintiff's arguments set forth in his Motion [208] in considering the Motions to Dismiss [202][204].

IT IS, THEREFORE, ORDERED that Plaintiff's Motion [208] is DENIED.

SO ORDERED this the 1st day of October, 2009.

s/ Michael T. Parker

United States Magistrate Judge